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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/055,576	01/23/2002	Seiichiro Sato	FUJI 19.372	6088

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KATTEN MUCHIN ZAVIS ROSENMAN  
575 MADISON AVENUE  
NEW YORK, NY 10022-2585

EXAMINER

VALENCIA, DANIEL E

ART UNIT PAPER NUMBER

2874

DATE MAILED: 07/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/055,576

Applicant(s)

SATO ET AL.

Examiner

Daniel E Valencia

DV

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-10 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

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## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Inventorship***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 1, 2, 4, and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otani U.S. Patent No. 5,956,449. Refer to the appropriate drawings or parts of the specification. Otani discloses a structure for mounting an optical circuit with essentially all of the limitations. Regarding claims 1, 9, and 10, Otani discloses an optical fiber shelf unit having a box-like shape with an open face (fig. 1 and 3); and a plurality of modules (1-3) having structures (7 and 8) for engaging neighboring modules, wherein said module is inserted into said shelf through said open front face. Otani further discloses that the engagement structures are provided on the lower (7) and upper (8) surfaces of the module and that the shelf structure has a supporting plate (15) for supporting the modules, as explained in claims 2, 4, and 7.

Although the Otani reference does not disclose the neighboring module using "guide rails" to engage each other as defined within the specification, Otani does teach a guiding engagement structure for attaching modules together prior to insertion into the open face of the box-like shelf. One of ordinary skill would recognize that the engagement structure disclosed by Otani and the claimed "guide rails" are equivalent means of engaging neighboring modules. Therefore, it would have been obvious to one of ordinary skill in the art to use guide rails (or any other guiding engagement) in the device disclosed by Otani.

Additionally, although Otani does not explicitly state that the fiber is wound in the module for dispersion compensation or wavelength division multiplexing, as mentioned in claims 9 and 10, Otani does disclose a wound fiber (9 and 10). Dispersion compensation and wavelength division multiplexing are two well-known uses of wound

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fiber trays or modules. Therefore, using Otani's device for dispersion compensation or wavelength division multiplexing would have been obvious to one of ordinary skill in the art at the time of invention.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Otani in view of Smith U.S. Patent No. 6,263,141. Refer to the appropriate drawings or parts of the specification. Otani as applied above, discloses essentially all the limitations of the claimed invention; however the reference fails to teach the use of a fixing member.

On the other hand, Smith discloses an optical fiber cable management device including storage tray that teaches the limitations that the Otani reference lacks (fig 9). Smith teaches a fixing member (216) movably supported in a transverse rail (202) corresponding to the position of the module, wherein a screw (220) is used to fasten to the module. Both Smith and Otani disclose optical fiber trays or modules for insertion into an open box-like shelf. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Smith with the device disclosed by Otani to arrive at the present invention.

Examiner would point out that the language of claim 1, when read broadly in light of the specification could describe any storage device, not necessarily dealing with fibers. Applicant states in the "Background of the Invention" that the essence of the invention is a shelf for accommodating dispersion compensating fibers. Examiner advises that Applicant limit the device described in claims 1-8 to optical fibers.

***Allowable Subject Matter***

Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As to claim 3, Otani does not disclose or suggest the shelf unit of claim 2, wherein said lower guide rail has a guide rail part having a U-shape on one end thereof and a guide rail part having an inverse U-shape on the other end thereof and said upper guide rail has a guide rail part having an inverse U-shape at an end opposing said U-shaped guide rail part of said lower guide rail and a guide rail part having a U-shape at an end opposing said inverse U-shaped guide rail part of said lower guide rail. Although the Examiner deems the guiding engagement structure disclosed in Otani equivalent means to the claimed guide rail (alone), the specifics of claim 3 is not implied or suggested by the Otani reference. Furthermore, these limitations would not have been obvious at the time of invention to one of ordinary skill in the art.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Ryuto European Patent No. 0 333 316 discloses a connecting box for optical fiber cable, especially relevant to claims 1, 2, and 4-10.

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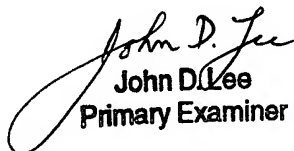
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel E Valencia whose telephone number is (703)-305-4399. The examiner can normally be reached on Monday-Friday 9:30-6:00.

The fax phone numbers for the organization where this application or proceeding is assigned are (703)-308-7724 for regular communications and (703)-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)-308-0956.



DEV  
July 1, 2003



John D. Lee  
Primary Examiner